

# MEMO ENDORSED

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March 27, 2024

**VIA ECF**

United States District Court  
Honorable Jessica G. L. Clarke  
500 Pearl St.  
New York, NY 10007

**Re: Battaglia v. New York City Transit Authority, et al. – No. 1:23-cv-3446**  
Extension of Time for TWU to Respond to Plaintiff's Motion to Compel

Dear Judge Clarke,

This firm represents the plaintiff, Salvatore Battaglia, in the above-referenced civil action. On February 12, 2024, the plaintiff filed a Motion with this Court requesting that the Court issue an Order compelling non-party Transport Workers Union of America, Local 100 (“TWU”) to respond to a subpoena duces tecum served upon it by plaintiff. On February 14, 2024, the Court issued an Order (ECF Doc. #31) directing the plaintiff to personally serve TWU with the Order and providing TWU with two weeks after service to respond to plaintiff's Motion to Compel. TWU was served on February 16, 2024 and proof of service has been filed with the ECF system (ECF Doc. #36). On February 29, 2024, the Court extended the time for TWU to respond to the Motion to Compel, as TWU had informed the undersigned that it intended on responding to the subpoena (ECF Doc. #38).

On March 26, 2024, TWU produced documents in response to the subpoena duces tecum. In addition, I spoke with Steven Farkas, Esq., counsel for TWU, who informed me that additional documents were expected to be produced in the near future and Mr. Farkas requested an additional thirty (30) days to complete the production. I informed Mr. Farkas that I would consent to this request. This is the second request for such relief. As such, plaintiff respectfully requests that this Court extend TWU's deadline to respond to plaintiff's Motion to Compel to May 10, 2024 to allow TWU an opportunity to complete its production pursuant to the subpoena duces tecum, and, if any disputes regarding the subpoena duces tecum remain after TWU's response and production, an opportunity for TWU to respond to plaintiff's Motion to Compel.<sup>1</sup>

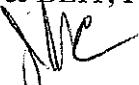
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<sup>1</sup>Fact discovery is presently set to end on May 29, 2024. In light of the necessity of all documents from TWU, as well as from NYCERS (which to date, has not complied with the subpoena), prior to any depositions taking place, the parties intend on filing a joint request for a discovery extension.

Thank you for the Court's time and attention to this matter.

Respectfully submitted,

LEVINE & BLIT, PLLC

  
Justin S. Clark

The deadline for non-party Transport Workers Union of America, Local 100 to respond to Plaintiff's Motion to Compel (ECF No. 28) is hereby EXTENDED to **May 10, 2024**.

Plaintiff shall inform the Court, no later than **April 5, 2024**, whether its motion to compel with respect to non-party NYC Employees' Retirement System (ECF No. 32) is moot or remains live.

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge

Dated: March 29, 2024  
New York, New York